

**Division B: Administration and  
Enforcement of Ordinance and Notice of Public Hearings**

**Section 6-400**

**Administration.**

**6-401**

**Zoning Administrator.** It shall be the responsibility of the Zoning Administrator to administer, interpret and enforce the provisions of this Ordinance. The Zoning Administrator shall be guided in all of his actions pursuant to this Ordinance by the terms, purposes, intent and spirit of this Ordinance. The Zoning Administrator may be assisted in the enforcement of this Ordinance by the Health Officer, Sheriff and all other officials of Loudoun County, Virginia, pursuant to their respective fields. Specifically, his duties and powers shall include:

- (A) To receive and/or review:
  - (1) Applications for variances.
  - (2) Notices of appeal to the BZA.
  - (3) Applications for certificates of occupancy.
  - (4) Applications for zoning permits.
  - (5) All other applications, certifications, or materials required by this Ordinance to be submitted to the Zoning Administrator.
- (B) To issue zoning permits where the requirements of this Ordinance have been met.
- (C) To issue interpretations of this Ordinance upon proper application. Such interpretations shall be binding as to the applicant and as to the specific facts presented in the application for interpretation after the completion of the thirty (30) day appeal period. In administering this Ordinance and rendering determinations as to the uses permitted or allowed by special exception in the various zoning districts, the Zoning Administrator shall have the power and authority to render decisions as to whether a specific proposed use, although not listed as permitted or allowed by special exception, is so substantially similar in substance and effect to a permitted use or a use allowed by special exception, that it should be allowed as if expressly permitted or allowed by special exception. Such interpretations shall include notification of appeal procedures and timelines.
- (D) To conduct inspections of buildings, structures and uses of land to determine compliance with the provisions of this Ordinance.

- 1
- 2 (E) To maintain accurate records of proffered conditions as required by
- 3 Section 6-1209 of this Ordinance.
- 4
- 5 (F) To enforce the provisions of this ordinance, the decisions of the BZA and
- 6 conditions and proffers subject to which approvals of the BZA, Planning
- 7 Commission and Board of Supervisors were made.
- 8
- 9 (G) To perform such other duties and functions as may be required by this
- 10 Ordinance and the Board of Supervisors.
- 11
- 12 (H) To maintain the inventory of buildings and structures within an Historic
- 13 Site or Historic and Cultural Conservation district as required by Section
- 14 6-1808.
- 15
- 16 (I) To maintain and make available for public inspection and copying the
- 17 official Zoning Map, the Zoning Ordinance, and the minimum
- 18 submission requirements adopted by Board of Supervisors resolution.
- 19
- 20 (J) To maintain a compilation of the interpretations and opinions of the
- 21 Zoning Administrator for public review.
- 22

23 **6-402**

**Fees.** The County Administrator shall recommend and the Board of Supervisors shall adopt a schedule of fees to be paid upon the filing of each application specified in this Ordinance. Application fees are hereby waived for the following:

- 24
- 25
- 26
- 27 (A) Applications for a requested amendment from any district to an Historic
- 28 Overlay district.
- 29
- 30 (B) Applications for requested amendment from any district to an AR-2
- 31 district.
- 32
- 33 (C) Applications for amendment, special exception, or commission permit
- 34 sought by the following governmental agencies:
- 35
- 36 (1) Loudoun County School Board.
- 37
- 38 (2) Loudoun County Sanitation Authority.
- 39
- 40 (3) Fire and rescue companies serving Loudoun County.
- 41
- 42 (4) Any agency, board or division acting in the name of the Board
- 43 of Supervisors of Loudoun County.
- 44

1           **6-403**

2           (A)     **Submission Requirements.** The Board of Supervisors shall adopt by  
3 resolution regulations enumerating those materials required to be  
4 included with each application provided for in this Ordinance, which  
5 materials shall constitute the minimum submission requirements for such  
6 application and be consistent with the requirements of this Ordinance.  
7 Such submission requirements shall include a letter signed by the  
8 applicant and by the owner of the property granting the right of entry  
9 upon the property to the Zoning Administrator, law enforcement agents,  
10 and County inspectors for the purpose of inspecting, and bringing law  
11 enforcement to the property, during the term of any permit which may be  
12 issued. Such submission requirements shall also include, in the case of  
13 any application for a Zoning Map Amendment, Zoning Ordinance  
14 Modification, Zoning Concept Plan Amendment, Special Exception,  
15 Variance, Site Plan or Zoning Permit, the provision of satisfactory  
16 evidence from the Treasurer's Office that any real estate taxes due and  
17 owed to the County which have been properly assessed against the  
18 property have been paid. Additionally, such submission requirements  
19 shall also include, in the case of an application for Zoning Map  
20 Amendment, Zoning Concept Plan Amendment, Zoning Ordinance  
21 Modification, Special Exception or Variance, a completed Disclosure  
22 of Real Parties In Interest Form disclosing the equitable ownership of  
23 the real estate to be affected. Revisions to the list of those materials  
24 required necessitated by an amendment to this Ordinance shall be  
25 attached to such amendment for concurrent consideration and adoption by  
26 resolution of the Board of Supervisors.

27           (B)     **Rezoning Plat.** If the application is a reclassification to a non-planned  
28 development district, a rezoning plat shall be required.  
29

30           **6-404**

31           **Speakers at Public Hearings.** All witnesses and speakers presenting facts and  
32 evidence at any public hearing shall provide their name and address and affiliation,  
33 if any, for the record. At the discretion of the person presiding over the hearing,  
34 witnesses or speakers may be required to give oath or affirmation regarding the  
35 truth of their statements.

36           **6-405**

37           **Inactive Applications.** Any Zoning Map Amendment application, Zoning  
38 Modification application, or Concept Plan Amendment application officially  
39 accepted by the County for processing but which has had processing suspended  
40 either by request of the applicant or by having no contact or activity occur in  
41 regards to the application by the applicant for a period of twelve months or any  
42 Special Exception application officially accepted by the County for processing but  
43 which has had such processing suspended either by request of the applicant or by  
44 having no contact or activity occur in regards to the application by the applicant for  
45 a period of six months shall be deemed inactive.

1 An application may remain inactive for up to three (3) years at the end of which  
2 period it will be processed to a final decision. If an applicant wishes to reactivate  
3 their application prior to the end of this three (3) year period, they must notify the  
4 County in writing of their intent to proceed with their application, grant the County  
5 an appropriate timeline extension and pay a reactivation fee as established by the  
6 Board of Supervisors.  
7

8 **6-406**

**Full Disclosure of Development Plans.** Prior to the execution of an offer to buy a  
9 new home, sellers of new homes, or their agents, shall provide to home buyers  
10 access to current copies of the following:  
11

- 12 (A) Approved subdivision record plat;  
13  
14 (B) All development plans approved for the property as part of a Zoning Map  
15 Amendment, Zoning Concept Plan Amendment, Zoning Ordinance  
16 Modification, or Special Exception;  
17  
18 (C) All proffered conditions accepted by the Board of Supervisors as part of  
19 the zoning approval for the development; and  
20  
21 (D) The applicable Comprehensive Plan for the area of the County.  
22

23 Such documents shall be located on the site of the property encompassed by the  
24 subdivision, plat, or development in which the property for sale is located, or at an  
25 office in its immediate vicinity. The sellers of the new home, or their agents, shall  
26 notify the prospective home buyers of the location of these documents and provide  
27 a reasonable opportunity for such prospective buyers to inspect these documents.  
28 Prospective home buyers shall sign a statement stating that they have reviewed or  
29 have been offered the opportunity to review these documents. Said statements shall  
30 be kept on file with the builder for a period of three years.  
31

32 **6-407**

**Map Interpretations and Boundary Determination.**

- 33 (A) The environmental overlay districts and steep slope maps are intended to  
34 show the location of environmental resources in the County, including  
35 the following:  
36  
37 (1) Mountainside Development Overlay District (MDOD) Map,  
described in Section 4-1600;  
38  
39 ~~(2) Limestone Conglomerate Overlay District (LOD) Map, described~~  
~~in Section 4-1900;~~  
40  
41 (3) ~~River and Stream Corridor Overlay District (RSCOD) Map,~~  
~~described in Section 4-2000;~~ Floodplain Overlay District;  
42 described in Section 4-1500; and

(4) Loudoun County Steep Slopes Map, described in Section 5-1508.

The Zoning Administrator, in consultation with the Department of Building and Development, is charged with making necessary cartographic interpretations of those maps at the request of the applicant or on his/her own initiative. The Zoning Administrator is authorized to interpret the exact location of the boundaries if there appears to be a conflict between the mapped resource boundary, elevations, and actual physical conditions. The Zoning Administrator may require information from the applicant, including, but not limited to a topographic survey and/or engineering studies in conformance with the provisions of the Facilities Standards Manual.

(B) The applicant may appeal interpretations to the Board of Zoning Appeals in accordance with the provisions of Section 6-1700, "Appeals," of the Zoning Ordinance.

**~~6-408~~ Modifications.**

~~(A) Intent and Purpose. A modification is intended to promote conservation design and protection of primary conservation areas and steep slopes by allowing the applicant to seek minor adjustments in applicable environmental standards to preserve the maximum amount of most significant resources. Applicants may only apply for modifications from the following environmental standards:~~

~~(1) Mountainside Development Overlay District (MDOD), Section 4-1600;~~

~~(2) Limestone Conglomerate Overlay District (LOD), Section 4-1900;~~

~~(3) River and Stream Corridor Overlay District (RSCOD), Section 4-2000;~~

~~(4) Steep Slope Standards, Section 5-1508; and~~

~~(5) Conservation Design, Section 6-2000.~~

~~(B) Limits on Scope of Modifications. Only modifications from dimensional standards (e.g., setbacks, height, distances) may be granted. No modification shall alter the required dimensional standards by more than ten percent (10%) for the purpose of promoting overall compliance with environmental protection standards.~~

~~(C) Review Criteria. The applicant shall submit documentation with evidence that the modification meets the following criteria:~~

~~(1) The modification will cause no significant adverse environmental impacts to primary conservation areas or steep slopes.~~

~~(2) The modification will result in protection of the maximum amount of most significant resources on a site.~~

~~(3) The modification will result in an innovative design, improve upon existing regulations, or otherwise exceed the public purpose of the existing regulations.~~

~~(D) **Review Procedure.** All applications for a modification shall be submitted in writing to the Zoning Administrator.~~

~~(E) For any modification that does not comply with the standards in this Section 6 408, or that exceeds the ten percent (10%) limit, the applicant may submit a request for variance, as governed by Section 6 1607, “Standards for Variances,” of this Zoning Ordinance.~~